

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION**

This document relates to:

Case No. 1:18-op-45459

THE MUSCOGEE (CREEK) NATION,

PLAINTIFF,

v.

PURDUE PHARMA L.P., *et al.*,

DEFENDANTS.

MDL No. 2804

**Master Docket No.:
1:17-MD-02804-DAP**

Hon. Judge Dan A. Polster

JURY TRIAL DEMANDED

UNOPPOSED MOTION TO DISMISS CVS HEALTH CORPORATION

Pursuant to Federal Rule of Civil Procedure 21, Plaintiff in the above-captioned case hereby moves to dismiss Defendant CVS Health Corporation (“CVS Health”) from the case without prejudice. CVS Health does not oppose the motion.

CVS Health is the parent company of Defendant CVS Pharmacy, Inc. and the indirect parent of Defendant Oklahoma CVS Pharmacy, LLC. On August 31, 2018, CVS Health moved to dismiss the complaint in the above-captioned case against CVS Health for lack of personal jurisdiction under Federal Rule of Civil Procedure 12(b)(2)—neither CVS Pharmacy, Inc. nor Oklahoma CVS Pharmacy, LLC moved to dismiss based on lack of jurisdiction. If this motion is granted, the motion to dismiss CVS Health for lack of personal jurisdiction will be moot.

This motion is without prejudice to any defenses, counterclaims, cross-claims, arguments, or other legal positions available to Defendants CVS Pharmacy, Inc. and Oklahoma CVS Pharmacy, LLC.

The motion is granted. In addition, the motion to dismiss for lack of personal jurisdiction filed by Defendant CVS Health Corp. on August 31, 2018 (ECF No. 921) is hereby rendered moot.
/s/David A. Ruiz 10/5/18